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PATENT
Attorney Docket No. 011738.00144

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ivan Osorio et al

Examiner: Jeffrey Jastrzab

Appln. No.: 10/712,975

Group Art Unit: 3762

Filing Date: November 13, 2003

For: VAGAL NERVE STIMULATION TECHNIQUES FOR TREATMENT OF
EPILEPTIC SEIZURES

TRANSMITTAL OF RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

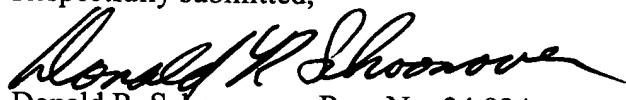
Mail Stop AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

In response to the Notice of Non-Compliant Amendment, mailed March 7, 2005 in regard to the above-referenced application, enclosed herewith are the following:

- [X] Document entitled, "Response to Notice of Non-Compliant Amendment" (29 pages);
- [X] Copy of Notice of Non-Compliant Amendment;
- [X] Request for Two-Month Extension of Time, including Check No. 2397 in the amount of \$225.00 for the fee; and
- [X] Return receipt postcard.

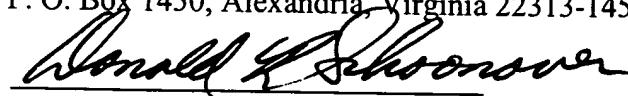
The Commissioner is hereby authorized to charge any addition fees pursuant hereto to Account No. 50-0961. A duplicate of this letter is included herewith for that purpose.

Respectfully submitted,


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CERTIFICATION UNDER 37 CFR § 1.10

I hereby certify that this document is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop AMENDMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on March 17, 2005.


Donald R. Schoonover



MAR 21 2005

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/712,975 | 11/13/2003 | Ivan Osorio | 011738.00144 | 7351 |
| 22824 | 7590 | 03/07/2005 | | |
| DONALD R. SCHOONOVER 4211 ROLLING HILLS DRIVE NIXA, MO 65714-8771 | | | | |
| EXAMINER JASTRZAB, JEFFREY R | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3762 | | | | |

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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**Failure to Acceptably Respond to
Notice of Non-Compliant Amendment (37 CFR 1.121)
No New Time Period for Reply is Provided**

The amendment document filed on 12-14-04 fails to provide the corrective action required by the prior Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on 1-13-05. The amendment, including both the originally filed amendment and the amendment filed in response to the prior notice, is still considered to be non-compliant under 37 CFR 1.121. In order for the amendment document to be compliant, correction of the item(s) listed below is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

The period for reply continues to run from the mailing date of the prior Notice of Non-Compliant Amendment. The corrections listed below must be timely filed to avoid abandonment of the application. No new time period for reply is provided in this communication. See the Manual of Patent Examining Procedure (MPEP) § 714.03.

If the period for reply set forth in the prior Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant: (1) corrects the deficiency, and (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the prior Notice of Non-Compliant Amendment (37 CFR 1.121).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
 - ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/procnotice/officeflyer.pdf>.

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